UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.168
7 October 1994

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Seventh session

SUMMARY RECORD OF THE 168th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 October 1994, at 10 a.m.

Chairperson: Miss MASON

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GE.94-19185 (E)

The meeting was called to order at 10.35 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Paraguay (continued) (CRC/C/3/Add.22; CRC/C/C.7/WP.2)

1. The CHAIRPERSON invited the representative of Paraguay to address the Committee.

2. Mr. GAUTO (Paraguay) said that he had recently been in contact with members of his Government, and in particular the Director-General for Human Rights of the Ministry of Justice, who had agreed to send a more detailed reply to the list of issues drawn up by the Committee. That reply had unfortunately not yet arrived. Since, for reasons of time, he had sent only the 20 questions that he considered essential, it would in any case be impossible to fully complete the task at hand. He accordingly suggested that a further meeting with the Committee should be scheduled for the near future. He invited members of the Committee to travel to Paraguay to assist his Government in replying to the list of issues, and to raise public awareness of the Convention and of the broader question of the situation of children.

3. He asked Mrs. Duarte Rodas, Director of Educational Planning in the Paraguayan Ministry of Education, to attend the current meeting, and to reply to questions in the area of education, if the Committee so agreed.

4. The CHAIRPERSON invited members of the Committee to comment on the statement by the representative of Paraguay.

5. Mgr. BAMBAREN GASTELUMENDI said that he would welcome the participation of Mrs. Duarte Rodas in the current meeting and agreed that a new date should be set for consideration of the further replies from Paraguay.

6. Mr. MOMBESHORA agreed with the previous speaker; in his view, however, Paraguay should respond to all the questions on the list of issues, and not merely the 20 questions chosen by Mr. Gauto.

7. Mrs. SANTOS PAIS said that she agreed with the previous speakers and appreciated the willingness of Paraguay to cooperate with the Committee for the benefit of its children. The Centre for Human Rights was currently conducting a comprehensive programme in that country, the aims of which were to reinforce national measures for implementing international instruments and to bolster the professional and ethical standards of certain sectors, the Judiciary included, especially in relation to such vulnerable groups as children. The programme offered an interesting context for the Committee's work on the situation of the rights of children in Paraguay. The Paraguayan authorities should promptly provide an additional report, which, taking the guidelines into consideration, would respond to both the list of issues and the questions raised at the previous meeting. They should consider sending a multidisciplinary delegation that could offer a full picture of the situation of the child in Paraguay. Lastly, she welcomed the invitation of Paraguay; the Committee would be glad to assist in any way possible.

8. Mrs. EUFEMIO said that children must not be made to wait. Without the answers to its questions, the Committee could not yet formulate recommendations; Paraguay should therefore endeavour, in the interval, to develop programmes responding to the issues raised.

9. The CHAIRPERSON said the Committee seemed to have reached a consensus that a new date would be set on which Paraguay would return to the Committee with detailed replies to both the list of issues and the questions asked at the previous meeting. As to whether Committee members could assist Paraguay in developing replies to the list of issues, that should be discussed later in the current session.

10. Mgr. BAMBAREN GASTELUMENDI said he strongly agreed that children could not and should not wait. In his view, the current list of issues was comprehensive; waiting for replies to the new questions would not be fruitful. The translation of the replies alone could delay their consideration by six weeks.

The meeting was suspended at 10.55 a.m. and resumed at 11.20 a.m.

11. At the invitation of the Chairperson, Mrs. Duarte Rodas (Paraguay) took a place at the Committee table.

12. The CHAIRPERSON invited the representative of Paraguay to reply to questions 35 to 38 contained in the list of issues (CRC/C.7/WP.2), which read:

"Education, leisure and cultural activities

(arts. 28, 29 and 31 of the Convention)

35. Please provide further information on the efforts being made to allow children from poor families, particularly in rural areas, to continue their education?

36. With reference to information contained in paragraph 76 of the report, please provide details of any measures taken to implement the proposals on educational reform emanating from the meetings of the advisory commission on educational reform (para. 76 of the report), as well as from the Ministry of Eduction and Worship (para. 128 of the report).

37. Please provide information on the measures taken to address the low rate of achievement in primary education, as recognized in paragraph 127 of the report.

38. Please provide further information on the steps taken to incorporate the subject of human rights into the school curricula and to integrate the subject into non-formal education (paras. 46, 52 and 128)."

13. Mrs. DUARTE RODAS (Paraguay) said that successive censuses had shown that Paraguay, traditionally a rural country, was gradually urbanizing. Much national concern was directed toward redressing the grave educational deficiencies in rural areas. Educational policy was currently oriented

towards improving the quality of education on an equitable basis; measures were being taken to provide poor children with access to education. Paraguay had been granted a $50 million loan from the Inter-American Development Bank for the purpose of upgrading primary school education in the poorest areas of the country, with emphasis on increased attendance. Although the overall enrolment level was high, children dropped out early; that phenomenon was attributable both to the deficiencies of the educational system and to social, economic and cultural factors. Programmes were under way to modify curricula and to develop and distribute teaching guides and textbooks. Bilingual education programmes had also been launched, on the assumption that more children would attend school if taught not only in Spanish but also in Guarani, their native language.

14. In reply to question 36 on the list of issues, she said that the Advisory Commission on Educational Reform, set up in 1990 in the wake of the political upheavals of the previous year, to assist the Ministry of Education and Worship in bringing about a reform of the educational system, was made up of 12 members representing a number of cultural and intellectual organizations. After several years of deliberation, a programme had been initiated in 1994 to overhaul the Paraguayan education system. The reform measures had begun in November 1990 with an initial diagnosis of the situation in order to define major problems, identify shortcomings and hence redirect education towards the progressive democratization of all sectors of the population. The reform was difficult, not only for political and economic reasons but also because of the linguistic and cultural complexity of Paraguayan society. Nothing less was called for than a complete change of ingrained attitudes on many subjects and at every level, ranging from the State apparatus itself to the community and the family. That required constructive dialogue and the broadest possible participation, based on the principle of equal educational opportunities in accordance with individual abilities, without discrimination on sexual or any other grounds. The goal was the creation of educated individuals motivated above all by a sense of solidarity with their fellows, in the first place locally, nationally and regionally, but also on a continental and global scale.

15. The projected reform would be characterized, inter alia, by a significant shift from a six-year to a nine-year basic cycle of free and compulsory education, and by entry into the system at the age of six rather than seven. She stressed the importance attached to the introduction of bilingual education, a complex undertaking, and described the efforts being made to reduce the past inequalities that had left the rural population at such a severe disadvantage. It was proving particularly difficult to introduce literacy training in the mother tongue in remote communities. That was an area where attitudes definitely needed to be changed, and where careful training of teachers and preparation of appropriate manuals and other teaching aids were essential. Several pilot projects were under way in that connection.

16. Turning to question 37, on the measures taken to address the low rate of achievement in primary education, she acknowledged that the drop-out rate was far too high at all levels, with only 14 pupils out of every 100 actually completing the so-called "middle cycle" of education. Help had been provided by the Inter-American Development Bank with a loan to finance measures

designed to improve the situation, including not only physical incentives for continued enrolment, but also campaigns of explanation and motivation, especially in rural areas. But there, too, attitudes and customs were resistant to change: the need for children's labour on the land at certain times of the year and the itinerant life of agricultural workers and their families were serious obstacles to regular school attendance.

17. Concerning question 38, on steps taken to incorporate the subject of human rights into school curricula and non-formal education, she said that human rights issues were indeed dealt with in the new curricula prepared as part of the reform; they featured, together with teaching about the family, sexual matters, the environment, the world of work and other socially significant subjects, in the new manuals and textbooks. Efforts were being made to lead students beyond mere familiarity with the principles set out in the Universal Declaration of Human Rights and other major instruments, and to relate the promotion and protection of human rights to their own daily existence, irrespective of the milieux in which they lived.

18. Mrs. EUFEMIO asked whether provision was made in the reform process for human rights training, retraining or extension programmes for police officers, judges, lawyers, doctors, child welfare and social workers, and other adults working with children, including professionals at an advanced stage in their careers whose attitudes might still contain vestiges of prejudice against certain disadvantaged sections of the juvenile population. Under what authority and supervision was such training, if it existed, provided and how was its lasting effect monitored?

19. Mr. MOMBESHORA asked for more detailed information concerning the provision and financing of recreational facilities for children and young people, with particular reference to open spaces and playgrounds.

20. Mrs. SANTOS PAIS emphasized the numerous dichotomies - in Paraguay in such fields as services for rural versus urban areas, attitudes to indigenous versus non-indigenous origins, and the treatment of girls versus boys. Those dichotomies aggravated Paraguay's problems, but education obviously had an essential role to play in overcoming them, with human rights as a major tool. It was her impression from the information received by the Committee both in writing and orally that as yet no comprehensive policy existed for addressing those problems. And she was not sure that some of the interesting initiatives mentioned, in particular, the "children's election campaigns", had actually influenced for the better the lives of children and their families. What was needed above all was to focus and concentrate the various efforts of bodies working separately, so that maximum benefit might be derived from them.

21. The Convention on the Rights of the Child was obviously an essential instrument for education in human rights; she would, however, urge that its provisions be presented and taught not in abstract terms that somehow diluted their relevance, but rather against the background of real-life situations that could be easily recognized. Those situations might involve, for example, attitudes to Guarani-speakers, or to runaway children attracted from the country to the city by its promise of an escape from poverty.

22. One of the Convention's underlying principles which could not be overstressed was that of equity, as embodied in articles 2, 3 and 28, for example. Moreover, it was an unwritten tenet of the Convention that a steadily-increasing amount of resources should be made available for the promotion and protection of the rights of the child. Unhappily that was by no means always the case; the percentage of State budgets set aside for measures of direct or indirect benefit to children often remained depressingly low, especially when compared with defence budgets. The figure of not less than 20 per cent of the central budget quoted in the Paraguayan report as the allocation for education was encouraging, but she sought an assurance that regional, local and municipal funding for that same purpose actually reflected the proportion established in the central budget. As a general rule, parliaments, especially since they controlled a country's purse-strings, should be highly conscious of the importance of article 3 of the Convention, and notably the provision that "all actions concerning children ... the best interests of the child shall be a primary consideration."

23. She asked for more specific information concerning the implementation of bilingualism, including the difficulties encountered and the positive and negative consequences of that radical measure, which was intended to rectify the imbalances and disadvantages that had stemmed in the past from insufficient attention to Guarani in the Paraguayan education system.

24. She very much hoped that when it reported again to the Committee, the Paraguayan delegation would be more forthcoming about the specific measures, programmes, mechanisms and structures envisaged in order to address the problems which it acknowledged as existing in the country.

25. Mgr. BAMBAREN GASTELUMENDI said he too had noted with a measure of satisfaction the announced allocation of at least 20 per cent of the central budget to education, but observed that that target would not be met, at least in 1995, for which the figure was 17.5 per cent. Another cause for concern was the apparent lack of financial backing to fulfil the pledge of free as well as compulsory education. More generally, there seemed to be a wide gulf between the level of funds requested by the Ministry of Education and the amounts actually made available. He wondered to what extent external aid might help to make good that shortfall.

26. After commenting on the many economic, linguistic and other impediments to the achievement of literacy targets, he requested further information concerning the measures taken by the Government to provide educational assistance for poor families, as listed in paragraph 35 of the written replies concerning the list of issues. The reference to "fund-raising activities to cover needs" seemed to be at variance with the statement that primary education was free, and further underscored the distinction between good intentions and financial realities.

27. Paragraph 38 of the Paraguayan replies referred to human rights education for primary and secondary school supervisors; in that connection, he shared Mrs. Eufemio's concern that all professionals working with children should receive such training. He was thinking particularly of the staff of residential centres for minors, crèches and other types of children's homes and of persons responsible for adoption centres. He sought confirmation that overall responsibility for the care of children in Paraguay lay with the Ministry of Education.

28. The CHAIRPERSON requested information on any training provided in relation to environmental issues and on the inclusion of activities to develop respect for the environment as part of education policy. Secondly, bearing in mind the problems of the economy, infrastructure and development facing Paraguay, and taking into account the wide range of education measures adopted in different countries, she asked whether any consideration had been given by the State to the possibility of using the services of students who had completed their education to impart their knowledge to others, particularly in the context of literacy campaigns and measures to promote community action and self-help efforts.

29. Mrs. DUARTE RODAS (Paraguay) thanked the Committee for its interest and assured members that, while she would not be able to respond to all questions and comments immediately, they would be transmitted to her Government, which would be better able to provide information and statistics at a later stage. Concerning the question on the education budget, the Constitution stipulated that 20 per cent of the national budget should be allocated for education; progress has been made in that direction in the current 1990-1995 period, the figure having been increased in stages from 9.2 per cent to 17 per cent. A copy of the regulations concerning the distribution of the education budget would be made available to the Committee.

30. On the question of education for indigenous groups in rural areas, it should be borne in mind that, according to national census figures, some 25,000-30,000 persons had declared themselves as being indigenous; they therefore represented only a small subgroup of the rural population as a whole. Schools were provided for indigenous groups; most of the teaching staff were themselves indigenous and had received special training for their posts. As to bilingual education, which was a relatively recent development, the Government was convinced of its importance but few studies on it had so far been carried out and it was therefore difficult to assess its impact. Assistance was currently being provided in that area by UNESCO.

31. For the purposes of assessment and improvement of the country's education system, efforts were currently under way to develop relevant indicators in order to provide overall information and to identify regional groups to be targeted for special attention.

32. In reply to Mgr. Bambaren Gastelumendi's question concerning crèches and day centres, she said that the Ministry of Education was responsible for some programmes for preschool centres; equivalent private institutions did not come under its responsibility.

33. On the question of compulsory education and the provision of textbooks and educational materials in Paraguay, the burden of the cost was shared between the State and the family, with the State assuming increasing responsibility for materials. For the current school year, the State had provided textbooks and materials for preschool and primary children. Government efforts were directed mainly towards ensuring that children received a basic education and combating illiteracy. Additional support in the provision of educational materials came mainly from NGOs and local communities.

34. As to the inclusion of environmental aspects in education, existing study programmes for teaching staff included related subjects. At the regional level, Paraguay was participating with neighbouring countries in activities to train teachers in all aspects relating to human rights, family education and the environment. Few studies on the impact of such training had been carried out so far and it would not be possible to assess it for some time.

35. Mr. GAUTO (Paraguay) said that in view of the wide range of questions and comments by members of the Committee, it was not possible for his delegation to reply fully to them all at the present stage; in fact, some of the points raised might be taken as suggestions for action programmes and the bases for further measures rather than questions as such.

36. In reply to the question by Mr. Mombeshora about cultural and recreational activities, he said responsibility in that area lay mainly with municipal and local authorities; at the same time, a large proportion of the Government's earnings from the State and other lotteries was used to fund young people's leisure centres and sports facilities.

37. Concerning Mrs. Eufemio's question on training programmes for police officers and other persons in authority dealing with children and young people, considerable interest had been shown by the public and a number of NGOs. In fact, an international NGO was currently in the process of preparing a two-week seminar on human rights for police officers. The concern for such training stemmed from an awareness of the inheritance left by the previous regime, particularly among the lower echelons of the police and armed forces, and of the need for such persons to be retrained in order to ensure respect for human rights generally and when dealing with young people in particular. The concerns expressed by the Committee in that and other respects would be transmitted to his Government for consideration and response.

38. Mr. MOMBESHORA pointed out that a number of other issues, including health and special protection, remained pending.

39. The CHAIRPERSON suggested that further discussion on such issues should be deferred to a later date pending the participation of a fuller delegation from the State party.

40. Mrs. SANTOS PAIS endorsed the Chairperson's suggestion. Several of the questions on the list of issues had not been answered at all and others only briefly. She was sure that, after the current discussion, it would be easier for the Paraguayan delegation and Government to understand the spirit in which the Committee envisaged the dialogue. She was prepared to forego her own further questions on juvenile justice in the belief that an additional report from Paraguay would enable the Committee to hold a fuller dialogue with the delegation next time.

41. Mgr. BAMBAREN GASTELUMENDI also supported the Chairperson's suggestion. Much fuller information was required, for instance on the protection of children. The continued service within the law enforcement system, armed forces and judiciary of officials of the old regime was cause for great concern.

42. The CHAIRPERSON suggested that the Committee should make some preliminary observations.

43. Mrs. EUFEMIO said that she welcomed the recognition by the delegation that many of the questions raised were in fact suggestions for programmes of action. Such programmes could be in the pipeline even while the responses to the further questions were being written. A start could be made at once in areas such as the training programmes for officials of the former regime. The response could then not only outline the difficulties of implementation and lack of funds, but describe the efforts that were being made to put the Committee's suggestions into effect.

44. Mrs. SANTOS PAIS said that after receiving an additional report in a year's time, the Committee would be in a position to formulate better concluding observations. In the meantime, she had some suggestions for priority action. She believed it would be extremely helpful for Paraguay to have a mechanism for coordinating all activities relating to children. In addition to the Directorate-General for Human Rights, a truly effective Directorate-General for Minors should be established, and dialogue between all the government departments having anything to do with children, such as the Ministries of Health, Education and Justice and the social welfare institutions, should be the rule. It was also important to broaden cooperation with the NGOs which, in the case of Paraguay, as in many other countries, were very helpful and anxious to contribute to improving the situation of children.

45. The task of legislative reform, in which Paraguay was already engaged, should be pursued. A comprehensive and holistic approach should be taken to legislation affecting children, in the light of the international instruments that Paraguay had ratified. Both in law and in practice, programmes or mechanisms to deal with the difficulties that existed, such as lasting disparities and prejudices and the differences in treatment of boys and girls, should be inspired by the Conventions major principles.

46. In his most recent report to the Commission on Human Rights, the representative who monitored the situation in Paraguay had identified three crucial areas of concern: the transition to democracy, human rights and human development. All those areas applied also to children, who were not always recognized as a target group. The Government should be urged to use the report as a framework in order to identify what could be done specifically for children. Action to increase awareness of the Convention should be intensified, with special training being given to teachers, law enforcement officers and judges, so that the whole attitude to children could change and the slogan "Children First", adopted at the World Summit for Children in 1990, become a reality in Paraguay.

47. She had some minor recommendations to make to the Committee. She believed that it would be only fair to welcome the willingness shown by the Paraguayan delegation to pursue the dialogue at a later stage, and that that approach would give the Paraguayan Government and delegation an opportunity to make fuller preparations for their presentation. She therefore suggested that an additional report should be submitted, for discussion by the Committee within a year. She also recommended that the current discussion should be

brought to the attention of the Advisory Services, Technical Assistance and Information Branch of the Centre for Human Rights, so that the Committee's concerns could be considered in the framework of the programme of assistance to Paraguay. The Committee was also ready to help in improving the reporting system, either through the programme of technical assistance or bilaterally. She emphasized that the Committee's dialogues with reporting countries were not intended merely to criticize or praise, but to improve understanding on both sides.

48. Mgr. BAMBAREN GASTELUMENDI endorsed the observations made by Mrs. Santos Pais. He emphasized that the Committee hoped not simply for a further written response by a certain time-limit but also for the adoption of urgent measures. It was important, for example, that the Directorate-General for the Protection of Juveniles, which already existed but lacked financial and human resources, should be made genuinely effective. Urgent action was also needed in regard to international adoption. Legislation was vital to halt the many abuses in that regard, and authority must be centralized and not left in the hands of profit-seeking lawyers. Paraguay should take immediate steps to accede to The Hague Convention, take measures to control the sale of children and give Paraguayan nationals clear priority over foreigners in matters of adoption. Despite the economic difficulties under which Paraguay was labouring, more resources should be devoted to all areas in which the interests of children were affected.

49. The CHAIRPERSON said that the statements just made, which she endorsed, constituted preliminary observations on some of the areas most in need of attention. In thanking the Government of Paraguay for its attempt to fulfil its reporting obligation, the Committee should note that it had had the honour to be the first body to which Paraguay had reported since the transition to democracy. In her view, that signalled a serious commitment on the Government's part to protecting the rights of children. When the Committee had received the Government's further responses to the list of issues and the additional information requested, perhaps in a year's time, it would be possible to have an in-depth discussion on the situation with the delegation. The Committee did not expect all the deficiencies to which attention had been drawn to be remedied by then, but some of the questions raised might have prompted improvements. The Committee was aware of Paraguay's current difficulties but hoped nevertheless that something concrete could be achieved for children.

50. Mr. GAUTO (Paraguay) thanked the Committee for its attention. Its request for additional information would encourage further effort to institute specific programmes in aid of children in the light of the Convention. Paraguay's report was the first of the many which the country had tried to prepare in the past two years for various international committees. Clearly, it lacked experience, but it hoped very shortly to be in a better position to respond to the Committee's needs and those of the other bodies monitoring the implementation of international instruments to which Paraguay had acceded.

The meeting rose at 12.50 p.m.